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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,098	11/03/2003	Julie Anne Loeger	224694	4412
23460	7590	06/20/2006	EXAMINER	
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780			HAMILTON, LALITA M	
			ART UNIT	PAPER NUMBER
			3624	

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/701,098
Filing Date: November 03, 2003
Appellant(s): LOEGER ET AL.

Steven P. Petersen
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 30, 2006 appealing from the Office action mailed August 11, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Todd US 2003/0061093 March 27, 2003
Bucci US 6,786,400 September 7, 2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Todd (2003/0061093) in view of Bucci (6,786,400).

Todd discloses a system and corresponding method for rewarding customers comprising a financial institution, a financial alternative to currency issued by the financial institution to one or more consumers, and a participating merchant network accepting the financial alternative to currency to provide goods or services to the one or more consumers and receive reimbursement for the goods and services from the financial institution, wherein the financial institution charges the one or more consumers for the goods or services purchased using the financial alternative to currency and provides to each of the one or more consumers an award related to a total value of the goods or services purchased by each of the one or more consumers using the financial alternative to currency, each of the one or more consumers' awards being electronically transferable to one or more other financial accounts accepting electronic transfers through a standard routing system (p.2, 15-22; p.4, 60 to p.5, 63; p.5, 66 to p.6, 82; and p.6, 85 to p.7, 86); the standard routing system is an American Bankers Association

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routing system (p.2, 15-22; p.4, 60 to p.5, 63; p.5, 66 to p.6, 82; and p.6, 85 to p.7, 86—may be any routing system implemented by the institution); the standard routing system is an Automated Clearing House routing system (p.2, 15-22; p.4, 60 to p.5, 63; p.5, 66 to p.6, 82; and p.6, 85 to p.7, 86—may be any system implemented by the institution); the one or more other financial accounts accepting electronic transfers through the standard routing system comprise one or more bank accounts (p.5, 67 to p.6, 85); one or more investment accounts (p.6, 85 to p.7, 86); account is not in the name of one, or more consumers whose award is electronically transferable to the one or more other accounts (p.6, 85); the each of the one or more consumers awards are automatically electronically transferable based on an accumulated award amount, to the one or more other financial accounts accepting electronic transfers through the standard routing system (p.2, 15-22; p.4, 60 to p.5, 63; p.5, 66 to p.6, 82; and p.6, 85 to p.7, 86); the each of the one or more consumers' awards are automatically electronically transferable, based on a predefined schedule, to the one or more other financial accounts accepting electronic transfers through the standard routing system (p.5, 73); the one or more other financial accounts accepting electronic transfers through-the standard routing system are saved for faster subsequent transfers (p.4, 48-51); an interface accessible by the one or more consumers for electronically transferring their award into the one or more other financial accounts accepting electronic transfers through the standard routing system (p.2, 15-22; p.4, 60 to p.5, 63; p.5, 66 to p.6, 82; and p.6, 85 to p.7, 86); a method for increasing financial institution's revenue from a financial alternative to currency provided to one-or more consumers, the method

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comprising receiving requests for reimbursement from one or more members of a participating merchant network accepting the financial alternative to currency, the one or more members providing goods or services to the one or more for each of the one or more consumers, and allowing each of the one or more consumers to electronically transfer their award to one or more other financial accounts accepting electronic transfers through a standard routing system (p.2, 15-22; p.4, 60 to p.5, 63; p.5, 66 to p.6, 82; and p.6, 85 to p.7, 86); and an electronically transferable award system for increasing a consumer's use of a financial alternative to currency the electronically transferable award system, an electronically transferable award, wherein the electronically transferable award was awarded to the consumer in proportion to the consumer's purchases with the financial alternative to currency; and an electronic award transfer interface, wherein the electronic award transfer interface is accessible by the consumer and-is used by the consumer-to electronically transfer their award into one or more other financial accounts accepting electronic transfers through a standard routing system (p.2, 15-22; p.4, 60 to p.5, 63; p.5, 66 to p.6, 82; and p.6, 85 to p.7, 86).

However, Todd does not disclose a standard routing system being used by a multitude of financial institutions for transfers unrelated to the one or more consumers' awards or ABA routing system. Bucci teaches a multiple account banking method and corresponding system comprising a standard routing system being used by a multitude of financial institutions for transfers unrelated to the one or more consumers' awards (col.4, lines 5-30) and ABA routing system (col.4, lines 5-30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to

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incorporate disclose a standard routing system being used by a multitude of financial institutions for transfers unrelated to the one or more consumers' awards and ABA routing system, as taught by Bucci into the invention disclosed by Todd, to provide the user with a means of transferring awards/funds between accounts located at various institutions.

(10) Response to Argument

The Appellant argues that neither reference supports a motivation to combine. In response, Todd discloses that the award value may be transferred between accounts at financial institutions; however, Todd is silent as to the type of transfer mechanism that is used. It is well known that a transfer mechanism that is standard across industry may be used in transferring award value between accounts (i.e. transfer of points, monetary value, miles or redemption of those points, monetary value, or miles). The use of a standard routing system may be incorporated into the Todd reference, being that a standard system means that the routing system may be used across industry as a transfer means. Bucci teaches a standard routing system for used by financial institutions to make transfers between accounts (col.4, lines 5-30), which includes the standard ABA routing system. Bucci does not limit the type of accounts that may utilize the routing system (col.4, lines 5-15); therefore, the Examiner found reason to combine the references as a teaching of a "standard routing system being used by a multitude of financial institutions for transfers unrelated to the one or more consumer awards". Further, all the Appellant has done is identify differences between the Todd and Bucci references and asserted that they are antagonistic to each other without providing any

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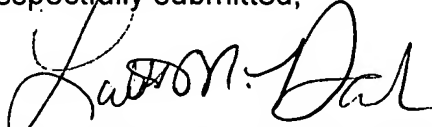
real evidence. Mere assertion that it teaches away is not overcome by motivation to combine.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,




Lalita M. Hamilton, Primary Examiner 3624



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